

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DCG SYSTEMS, INC.,)	Case No.: C 11-0 3792 PSG
)	
Plaintiff,)	ORDER DENYING DEFENDANT
v.)	CHECKPOINT TECHNOLOGIES,
)	LLC'S MOTION TO FURTHER
CHECKPOINT TECHNOLOGIES, LLC,)	MODIFY CASE MANAGEMENT
)	ORDER
Defendant.)	(Re: Docket No. 144)

In this patent infringement suit, Defendant Checkpoint Technologies, LLC ("Checkpoint") moves to further modify the case management order. Plaintiff DCG Systems, Inc. ("DCG") opposes the motion. Pursuant to Civ. L.R. 7-1(b), the motion was taken under submission and the hearing scheduled to be held on October 9, 2012 was vacated.¹ Having reviewed the papers and considered the arguments of counsel,

IT IS HEREBY ORDERED that Checkpoint's motion to further modify the case management order is DENIED.

Checkpoint seeks to further extend by approximately one month certain dates set forth in the order modifying case management order dated August 20, 2012. Checkpoint contends that the

¹ See Docket No. 157.

1 modification would allow for the parties to better and more efficiently comply with the August 20
2 order and to complete fact and expert discovery.

3 DCG responds that Checkpoint has not shown good cause for further amendment. Only six
4 weeks ago, the parties stipulated and the court granted an amendment to the scheduling order to
5 extend the discovery schedule from September 27 to November 11, 2012.

6 The court agrees with DCG. On a motion to modify a scheduling order, Fed. R. Civ. P.
7 16(b)(4) requires a showing of good cause.² In light of the previous extension granted, and the
8 court's issuance of its claim construction order contemporaneously with this order, Checkpoint has
9 not shown good cause for further amendment of the case management order.

10 **IT IS SO ORDERED.**

11 Dated: 10/17/2012

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13 PAUL S. GREWAL
14 United States Magistrate Judge
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28 ² See *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).